

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Pan Hong JIANG *et al.*

Attorney Docket No. 040388/0113

Serial No. 09/077,606

Group Art Unit: 1644

Filed: July 30, 1998

Examiner: M. Tung

For: COMPOUNDS HAVING LECTINIC PROPERTIES AND THEIR
BIOLOGICAL ACTIVITIES

#20
4/21/01
OFFICIAL

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.116

Commissioner for Patents
Washington, D.C. 20231
BOX AF

RECEIVED

APR 16 2001

TECH CENTER 1600/2500

Sir:

In view of the Advisory Action of March 29, 2001, Applicants respectfully request reconsideration and/or clarification. The Advisory Action indicates that proposed amendments to the claims to more particularly define the trademarked compositions "SEPHACRYL" and "TRISACRYL" are "new matter" that raise "new issues" and as such will not be entered into the claims. The Action further indicates that the proposed amendments do not place the application in better form for appeal by materially reducing or simplifying the issue for appeal, and finally that they present additional claims without cancelling a corresponding number of finally rejected. All of these allegations are incorrect.

In the claims, the terms SEPHACRYL S-200 and CM-TRISACRYL-M were retained, and the definition previously provided for both compounds (agarose with acrylamide links), was replaced with definitions that distinguished the two compositions, *as requested by the examiner* ("applicants are required to define the composition of the materials in more detail to overcome to overcome the rejection - emphasis in original). The examiner indicates that these amendments improperly attempted to introduce new matter, and that they raised new issues.

The proposed amendments do not introduce "new matter" into the claims or specification. SEPHACRYL S-200 is now defined in the specification and claims as "gel filtration media with a fractionation range of 5,000-250,000 daltons for globular proteins" and CM-TRISACRYL-M[®] as "gel filtration media with a fractionation range of 200-2,500 daltons." Like the previous proposed definition of "agarose with acrylamide links," these new definitions are supported by the specification sheets for these compositions. These sheets were forwarded with the previous response, and set forth the characteristics of these media, including the fractionation ranges and the characterization as "gel filtration media." The definitions cannot, therefore, constitute "new matter."

The proposed amendments also do not raise new issues that require further consideration and/or search. More particularly, the claims now, as before, recite SEPHACRYL S-200 and CM-TRISACRYL-M, and therefore, no new issue has been raised that would require further consideration or search.

Furthermore, the proposed amendment *do* place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Indeed, the proposed amendments distinguish the two compositions *as requested* by the examiner, and thereby obviate a rejection under the second paragraph of Section 112.

And finally, the proposed amendment presented *six* new claims, while cancelling *eight* pending claims. The proposed amendment therefore cancels more claims than it adds, and does not "present additional claims without cancelling a corresponding number of finally rejected claims."

Applicant respectfully submits that all of the pending claims are in condition for allowance. An early notice to this effect is earnestly solicited. If the examiner does not allow the claims, then she is requested to enter the claim amendments for purposes of appeal. If there are

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any questions regarding the application, the examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

16 April 2007
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.